

EXHIBIT C

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11
12 **UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF NEVADA**

14
15 JAMES V. DEPPOLETO JR.,
16 Plaintiff,

Case NO. 2:22-cv-02013-GNM-BNW

17
18 v.

19
20 TAKEOVER INDUSTRIES,
INCORPORATED, *et al.*
21 Defendant.

22
23 **STIPULATION AND ORDER FOR A PROTECTIVE AND**
24 **CONFIDENTIALITY ORDER**

25 The court has found that good cause exists for issuance of an appropriately tailored
26 confidentiality order governing the pre-trial phase of this case. Accordingly, it is ORDERED
27 as follows:
28

1 1. Any person subject to this order who received from any other person any
2 discovery material (i.e. information of any kind provided in the course of discovery in this
3 action) that is designated confidential pursuant to the terms of this order shall not disclose such
4 “confidential discovery material” to anyone else except as expressly permitted by this order.
5

6 2. Any person seeking to file documents or materials including producing
7 discovery material must designate as confidential such portion of the material, before it can be
8 filed, that consists of:

9 a. Confidential documents including agreements and other documentation
10 governed by non-disclosure agreements.
11

12 b. Previously nondisclosed financial information (including without limitation
13 profitability reports or estimates, percentage fees, design fees, royalty rates, minimum
14 guarantee payments, sales reports and sale margins);
15

16 c. Previously nondisclosed material relating to ownership or control of any non-
17 public, or public company;

18 d. Previously nondisclosed business plans, product development information,
19 trade secret information, documentation, or marketing plans;
20

21 e. Any information of a personal or intimate nature regarding any individual; or

22 f. Any other category of information hereinafter given confidential status by the
23 court.

24 3. With respect to the confidential portion of any discovery material, the
25 producing party, person or that person’s counsel may designate such portion as confidential
26 by stamping or otherwise clearly marking as “CONFIDENTIAL” the protected portion in a
27 manner that will not interfere with legibility or audibility.
28

1 4. With respect to deposition transcripts and exhibits, a producing party, person or
2 that person's counsel may indicate on the record that a question calls for confidential
3 information, in which case the transcript of the designated testimony shall be bound in a
4 separate volume and marked "CONFIDENTIAL INFORMATION GOVERNED BY
5 PROTECTIVE ORDER" by the reporter.
6

7 5. If at any time prior to the trial of this action, a producing party or person
8 realizes that some portion(s) of discovery material that that person previously produced should
9 be designated confidential, he may make the designation by apprising all parties in writing and
10 providing a replacement copy of the discovery material with the confidential designation, upon
11 which such discovery material will be treated as confidential under the terms of this order.
12

13 6. No person subject to this order other than the producing party or person shall
14 disclose any confidential discovery material to any other person, except as follows:
15

16 a. The parties to this action and any of their in-house counsel specifically assigned
17 to work on this case;

18 b. Counsel of record, including any paralegal, clerical or other assistant employed
19 by such counsel and assigned to work on this case;
20

21 c. As to any document, its author, its addressee and any other person indicated on
22 the face of the document as having received a copy;

23 d. Any person retained by a party to serve as an expert witness or otherwise
24 provide specialized advice to counsel in connection with this case, provided such person has
25 first executed the non-disclosure agreement in the form annexes as an exhibit to this order
26

27 e. Stenographers engaged to transcribe depositions conducted in this action; and

28 f. The court and its personnel.

1 7. Counsel of record shall retain any non-disclosure agreement signed pursuant to
2 paragraph 5, hold it in escrow, and produce it to opposing counsel either prior to the signatory
3 being permitted to testify (at deposition or trial) or at the conclusion of the case, whichever
4 comes first.
5

6 8. Any party seeking to file confidential discovery material with the court must
7 file a motion to seal and/or redact consistent with the Nevada Rules for Sealing and Redacting
8 Court Records. The parties will use their best efforts to minimize such motions and sealing.
9

10 9. Any party who either objects to any confidential designation, or who, by
11 contrast, request further limits on disclosure (such as "attorneys' eyes only" in extraordinary
12 circumstances), may at any time prior to the trial of this action serve upon counsel for the
13 designating person a written notice stating with particularity the grounds of the objection or
14 request. If agreement cannot be reached promptly, counsel for all affected persons shall file a
15 stipulation and order with the court requesting a case management conference for purposes of
16 obtaining a ruling.
17

18 10. The court also retains unfettered discretion whether or not to afford
19 confidential treatment to any confidential discovery material submitted to the court in
20 connection with any motion, application, or proceeding that may result in an order and/or
21 decision by the court.
22

23 11. Each person who has access to confidential discovery material shall take all
24 necessary precautions to prevent the unauthorized or inadvertent disclosure of such material.
25

26 12. If, in connection with this litigation, a party inadvertently discloses information
27 subject to a claim of attorney-client privilege or attorney work product protection, such
28 disclosure shall not constitute or be deemed a waiver or forfeiture of any claim of privilege or

1 work product protection with respect to the inadvertently disclosed information and its
2 subject matter.

3 13. If a disclosing party makes a claim of inadvertent disclosure, the receiving
4 party shall not thereafter review the inadvertently disclosed information for any purpose,
5 except by order of the court. The receiving party shall, within 5 business days, return or
6 destroy all copies of the inadvertently disclosed information, and provide a certification of
7 counsel that all such information has been returned or destroyed.
8

9 14. Within 5 business days of the notification that inadvertently disclosed
10 information has been returned or destroyed, the disclosing party shall produce a privilege log
11 with respect to the inadvertently disclosed information.
12

13 15. As with any information redacted or withheld, the receiving party may move
14 the court for an order compelling production of the inadvertently disclosed information. The
15 motion shall be filed under temporary seal, along with a motion to seal, and shall not assert as
16 a ground for entering such an order the fact or circumstances of the inadvertent production.
17

18 16. The disclosing party retains the burden of establishing the privileged or
19 protected nature of any inadvertently disclosed information. Nothing in this order shall limit
20 the right of any party to request an in camera review of the inadvertently disclosed
21 information.
22

23 17. This order shall survive the termination of the litigation. Within 30 days of the
24 final disposition of this action, all confidential discovery material and all copies such material
25 shall be promptly returned to the producing person, or , upon permission of the producing
26 person, destroyed.
27
28

18. This court shall retain jurisdiction over all persons subject to this order to the extent necessary to enforce any of its obligations or to impose sanctions for any contempt of the order.

IT IS SO ORDERED.

Dated this day of December 2024

Judge Brenda Weksler

Submitted by:

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